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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOUGH; *et al.*

Plaintiffs,

vs.

RYAN CARROLL; *et al.*

Defendants.

Case No.: 2:24-cv-02886-WLH

**PLAINTIFFS' MOTION TO
EFFECT SUBSTITUTE SERVICE
ON DEFENDANT JARED DAY**

Presiding Judge: Hon. Wesley L. Hsu
Hearing: September 13, 2024, 1:30 p.m.
Trial Date: N/A

**PLAINTIFFS' MOTION TO EFFECT SUBSTITUTE SERVICE ON
DEFENDANT JARED DAY**

Plaintiffs submit this motion requesting the Court's permission to effect service of the summons and complaint on Defendant Jared Day by mail.

1 Fed. R. Civ. P. 4(e)(1) states that an individual may be served by “following
2 state law for serving a summons in an actions brought in courts of general jurisdiction
3 in the state where the district court is located or where service is made.” Tex. R. Civ.
4 P. 106(b), in turn, states:
5

6 Upon motion supported by a statement-sworn to before a notary or
7 made under penalty of perjury-listing any location where the
8 defendant can probably be found and stating specifically the facts
9 showing that service has been attempted under (a)(1) or (a)(2)
10 [which, in part, state that the defendant may be served personally]
at the location named in the statement but has not been successful,
the court may authorize service:

11 (1) by leaving a copy of the citation and of the petition with
12 anyone older than sixteen at the location specified in the
13 statement; or

14 (2) in any other manner, including electronically by social media,
15 email, or other technology, that the statement or other evidence
16 shows will be reasonably effective to give the defendant notice of
the suit.

17 Here, Plaintiffs attempted to serve Jared Day at his home on multiple
18 occasions, as demonstrated by the accompanying affidavit, but he refused to answer
19 the door and spoke to the process server only through the home security system.
20 Accordingly, Plaintiffs respectfully request that the Court authorize Plaintiffs to serve
21 Defendant Jared Day by mailing the summons and first amended complaint via first-
22 class mail to his home address, 19710 Chara Ct., Cypress, TX 77433. *See* Tex. R.
23 Civ. P. 106(b)(2) (authorizing service “in any other manner . . . reasonably effective
24 to give the defendant notice of the suit”).
25
26
27

28 Dated: August 16, 2024

/S/ Nico Banks

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WORD COUNT COMPLIANCE CERTIFICATION

The undersigned, counsel of record for Plaintiffs, certifies that this brief contains fewer than 7,000 words, which complies with the word limit of L.R. 11-6.1

/s/Nico Banks

Nico Banks

Dated: August 16, 2024

CERTIFICATE OF SERVICE

On August 16, 2024, I served this motion and accompanying papers via first-class mail to the parties listed below with addresses below their names, and via email to the parties with email addresses below their names:

JARED DAY;
19710 Chara Ct,
Cypress, TX 77433

I declare under penalty of perjury under the laws of the State of California that the foregoing statements in this Certificate of Service are true and correct.

/s/Nico Banks

Nico Banks

Dated: August 16, 2024